

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARY ELKO COMFORT,	)	
	)	
Plaintiff,	)	Civil Action No. 12-1780
	)	
v.	)	Judge Cathy Bissoon
	)	
PRC ACQUISITION, LLC, d/b/a	)	
THE CLUB SPORT & HEALTH,	)	
	)	
Defendant.	)	

**ORDER**

Defendant's Motion to Dismiss (Doc. 7) Counts I and IV of the Complaint will be denied.

For the purposes of Rule 12(b)(6), Plaintiff has alleged sufficient facts in support of her claims of gender discrimination under Title VII. *See* Compl. at ¶¶ 12-25. Defendant's request for dismissal of Count I, therefore, is denied without prejudice to Defendant's reasserting its arguments on summary judgment.<sup>1</sup>

As to Count IV, Plaintiff is correct that claims under the Equal Pay Act do not require administrative exhaustion. Wormack v. Shinseki, 2010 WL 2650430, \*10 (W.D. Pa. Jul. 1, 2010) (citations omitted). Thus, Defendant is not entitled to dismissal of Count IV.

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<sup>1</sup> Plaintiff has expressly disavowed any claim for hostile working environment, *see* Doc. 10 at 9-10, and she is bound by this representation moving forward.

Consistent with the foregoing, Defendant's Motion to Dismiss (**Doc. 7**) is **DENIED**.

April 10, 2013

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record